

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAKHITHA WEERASINGHE, *et ano.*,

12 Civ. 4918 (WHP)

Plaintiffs,

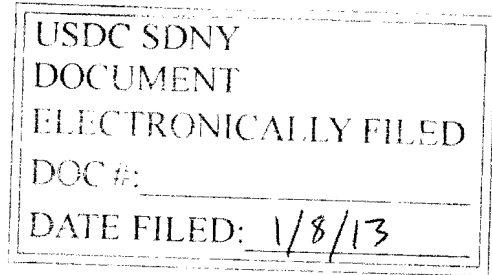
ORDER

-against-

JANET NAPOLITANO, *et al.*,

Defendants.

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WILLIAM H. PAULEY III, District Judge:

Plaintiffs Rakhitha Weerasinghe and Skyy Segarra seek an order compelling the United States Department of Homeland Security and the United States Citizenship and Immigration Services to reopen and adjudicate an adjustment of status application. On July 20, 2012, this Court referred the matter to Magistrate Judge James C. Francis IV for general pretrial purposes. On December 20, 2012, Magistrate Judge Francis issued a Report and Recommendation to this Court, recommending that this Court dismiss Plaintiffs' complaint without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiffs never served Defendants. The parties have not filed objections to the Report and Recommendation.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1)(C). "To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of

the record.” Simms v. Graham, No. 09 Civ. 1059 (KBF), 2011 WL 6072400, at \*1 (S.D.N.Y. Dec. 6, 2011) (internal citation and quotation marks omitted).

This Court has reviewed Magistrate Judge Francis’s Report and Recommendation and finds that it is not facially erroneous. See 28 U.S.C. § 636(b)(1)(C). Accordingly, this Court adopts the Report and Recommendation in its entirety and dismisses Plaintiffs’ complaint without prejudice under Rule 4(m). The parties’ failure to file written objections to the Report and Recommendation precludes appellate review of this decision. See Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008). The Clerk of the Court is directed to terminate all pending motions, mark this case closed, and enter judgment for Defendants.

Dated: January 7, 2013  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

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